

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

At the outset, Applicant respectfully disputes the appropriateness of the characterization of the outstanding Office Action as final. The present Office Action rejects Claim 5, the only independent claim, under 35 USC § 102 as being anticipated by Brodhead (U.S. 157,369). This reference is newly cited and applied for the first time as the basis for rejection. The Examiner states that "Applicant's amendment necessitated the new ground(s) of rejection ...". This statement is plainly not true. In the previous Amendment, dated January 30, 2007, Applicant amended Claim 5 to overcome a formality rejection under 35 USC § 112 and to re-write the claim in independent form, since Claim 5 was not rejected on substantive grounds under either §§ 102 or 103 in the previous Office Action. Consequently, the suggestion that the new ground of rejection was necessitated by Applicant's amendment is clearly not supported by the record in this case. (MPEP § 706.07(a) expressly provides that an amendment to correct a rejection under 35 USC § 112 "should reasonably [be] expected" and therefore cannot provide the basis for a second action final if it includes a new ground of rejection.)

Accordingly, Applicant submits there was no proper foundation for making the present outstanding Office Action final, pursuant to MPEP § 706.07(a), and that therefore the finality of the Office Action was premature and should be withdrawn. Reconsideration is respectfully solicited. In addition, Applicant is entitled to a refund of the fee submitted with the accompanying Request For Continued Examination which

was necessitated to insure full consideration of this Response pending the request for reconsideration.

As noted above, Claim 5 stands rejected under 35 USC § 102 as being anticipated by Brodhead (U.S. 157,369). The Brodhead patent relates to "a class of cans or kindred vessels", such as milk or oyster cans. Apart from the questionable applicability of this patent as relevant art, the Brodhead patent does not teach or suggest at least the following recitations from Claim 5:

1. "...the means for connecting comprising:

a first part including two pegs moveable between an inner position and an outer position,

The pegs G in Brodhead are integrally formed on part D (Fig. 3) and therefore are fixed and do not move.

2. "wherein the pegs are biased to the outer position;"

Because the pegs G in Brodhead are fixed, they are not biased to any position.

3. "the second part including a T-shaped slot,"

The channel C in Brodhead is L-shaped, not T-shaped.

4. "the first part and the second part are connectable to each other by insertion of the pegs into the entrance of the T-shaped slot when the pegs are moved to their inner position,"

The pegs G in Brodhead are not moveable to an inner position to enter the L-shaped channel C.

5. "sliding the pegs to the top of the T-shaped slot and allowing the pegs to move to their outer positions whilst located in the top section of the T-shaped slot."

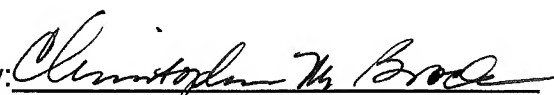
The pegs G in Brodhead are not moveable to an outer position whilst located in the top section of a T-shaped slot.

Consequently, for at least the above reasons, Claim 5 is clearly not anticipated, nor is it rendered unpatentable, by the teachings of the Brodhead patent, even if it is conceded to be relevant art. Accordingly, since the remaining claims all depend from Claim 5, the present application is believed to be in condition for allowance.

Favorable reconsideration is respectfully solicited.

Respectfully submitted,

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